IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10477 of 2005

Between:

M/s Sumanasa Finance Private Limited, rep. by its Managing Director S. Laxman Kumar.

..... PETITIONER

AND

The Estate Officer, Airport Authority of India, Hyderabad Airport, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to direct the respondent herein to take steps for disposal of I.A.No. 572 of 2005 in C.M.A.No.24 of 2005 pursuant to the order dated 27-4-2005 in C.M.A.No.24 of 2005 passed by the court of II Additional District Judge, Ranga Reddy District at L.B. Nagar by issuing appropriate writ, order or direction, more particularly in the nature of a writ of mandamus and pass such other order or orders as this Hon'ble Court deems fit and proper.

Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR

Counsel for the Respondent .: MR. E.MADAN MOHAN RAO

The Court at the admission stage made the following :

Oral Order:-

Heard both sides. Perused the material available on record.

The Respondent-Competent Authority under the Public Premises (Eviction of Unauthorised Occupants) Act,1971 (for short “the Act”) has passed an order dated 22.2.2005 against the petitioner, under sub-section (1) of Section 5 and sub-sections (2) and (2-A) of Section 7 of the Act, for eviction of the petitioner from the premises in question and for recovery of damages. As against the same, the petitioner preferred statutory appeal as provided under Section 9 of the Act in C.M.A.No.24 of 2005 before the District Judge, Rangareddy District on 3.3.2005 along with I.A.No.572 of 2005 seeking stay of eviction. As no orders are passed either in I.A.No.572 of 2005 or in C.M.A.No.24 of 2005, petitioner filed the present writ petition along with an application seeking stay of eviction of the petitioner from the premises in question pending disposal of C.M.A.No.572 of 2005.

It is submitted by the learned Counsel appearing on both sides that the said appeal in C.M.A.No.24 of 2005 is partly heard and posted to the first week of June,2005.

Sri M.V.S.Suresh Kumar, learned Counsel appearing for the petitioner, submitted that at the rate of Rs.11,000/- per month only an amount of Rs.5,00,000/- is due and

payable by the petitioner to the respondent on account of arrears of rent and that the petitioner is prepared to pay the same to the respondent.

On the other hand, Sri E.Madanmohan Rao, learned Counsel appearing for the respondent, disputing the aforesaid submission made by the learned Counsel appearing for the petitioner, submitted that in addition to the sum of Rs.5,00,000/-,further amounts are also due and payable by the petitioner to the respondent. He submitted that the petitioner, without paying any rent, is continuing in the premises in question even after expiry of the lease period.

Having regard to the facts and circumstances, and inasmuch as the statutory appeal filed by the petitioner against the order passed by the primary authority is pending, and having regard to the submission made by the learned Counsel appearing for the petitioner that a sum of Rs.5,00,000/-is due and payable by the petitioner to the respondent on account of arrears of rent and that the petitioner is prepared to pay the same to the respondent, I consider it appropriate to dispose of this writ petition with certain directions.

Accordingly, the writ petition is disposed of at the admission stage, directing the respondent not to execute the order, dated 22.2.2005, passed by him in E.O.Case No.04 of 2001, subject to the condition of the petitioner depositing a sum of Rs. 5,00,000/-(Rupees Five Lakhs Only) with the respondent, within two weeks from today. The appellate authority (District Judge, Rangareddy District) shall dispose of the appeal in C.M.A.No.24 of 2005, preferred by the petitioner, as expeditiously as possible, preferably by the end of June,2005. No costs.

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R.Subhash Reddy,J

29th April,2005.

LUR/svr

1.The Estate Officer, Airport Authority of India, Hyderabad Airport, Hyderabad.

2. Two CD copies.

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO.10477 OF 2005

29TH APRIL,2005.